

REMARKS

Claims 1-66 are pending in the application.

Claims 1-66 have been rejected.

Claims 1-7, 9, 15, 20-21, 29, 34-35, 43, 48-49, and 57 have been amended, as set forth herein.

I. **CLAIM OBJECTIONS**

Claims 6-7, 20-21, 34-35, and 48-49 were objected to for various informalities noted in the Office Action. The Applicants have amended Claims 6-7, 20-21, 34-35, and 48-49 to correct the informalities noted in the Office Action. The Applicants respectfully request withdrawal of the objection.

II. **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-2, 4-16, 18-30, 32-44, and 46-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood (U.S. 6,091,808) (“*Wood*”) in view of “Java Telephony API: An Overview” (“*Java Telephony API*”). Claims 3, 17, 31, 45, and 66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wood* and *Java Telephony API* in further view of Gralla, “How Intranets Work” (“*Gralla*”). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262,

23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to

make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Wood recites a telephone call management system that can be accessed by a web browser. (*Abstract*). The system includes a “web facility” coupled to a telephone switch. (*Figure 1*). Information about calls to and from a user’s telephone can be stored in a database and accessed remotely through the web facility. (*Abstract*). The user can also place and control telephone calls using the web facility. (*Abstract*).

The Office Action fails to indicate that *Wood* teaches or suggests enabling a “legacy call server coupled to [a] telephone system” to communicate with a web application as recited in the independent claims. The Office Action also fails to indicate that *Wood* teaches or suggests using the web application to control the “legacy call server” that is coupled to the telephone system as recited in the independent claims.

The Office Action further fails to indicate that the remaining references teach or suggest enabling a “legacy call server coupled to [a] telephone system” to communicate with a web application and using the web application to control the “legacy call server” that is coupled to the telephone system as recited in the independent claims.

For at least these reasons, the Office Action fails to establish a *prima facie* case of obviousness regarding Claims 1-66. The Applicants respectfully request withdrawal of the § 103(a) rejection and full allowance of Claims 1-66.

III. CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance and respectfully request an early allowance of such claims.

AMENDMENTS TO SPECIFICATION WITH MARKINGS TO SHOW CHANGES

MADE

Paragraph starting on page 5, line 8

The present application is related to, and incorporates by reference **[the]** U.S. Patent Application No. 09/414,521 of K. Scott Ramey, Craig Will, and Larry David entitled METHOD, APPARATUS, AND ARTICLE OF MANUFACTURE FOR WEB-ENABLING LEGACY TELEPHONY DEVICES filed on October 8, 1999 **[, attorney docket number 03384.0373-00000]** and **[the]** U.S. Patent Application No. 09/414,589 of K. Scott Ramey **[,]** and Michel Burger entitled METHOD, APPARATUS, AND ARTICLE OF MANUFACTURE FOR WEB-BASED CONTROL OF A CALL SERVER filed on October 8, 1999 **[, attorney docket number 03384.0372-00000]**.

CLAIM AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE

Claims 1-7, 9, 15, 20-21, 29, 34-35, 43, 48-49, and 57 were amended herein as follows:

1 1. (Amended) A method for web-based control of a legacy telephone system, comprising:
2 enabling a legacy call server coupled to the telephone system to communicate with a web
3 application;
4 using the web application to control the legacy call server;
5 enabling a legacy telephony device to communicate with the web application; and
6 using the web application to control the legacy telephony device.

1 2. (Amended) The method of claim 1, wherein **[the step of]** enabling the legacy call server
2 to communicate with the web application includes:
3 providing a communication channel between the legacy call server and the web application;
4 and
5 translating data transferred between the legacy call server and the web application.

1 3. (Amended) The method of claim 2, wherein **[the step of]** providing a communication
2 channel includes:
3 using a user proxy server to control access to the legacy call server.

1 4. (Amended) The method of claim 1, wherein **[the step of]** using the web application to
2 control the legacy call server includes:

3 sending a call control command to the legacy call server.

1 5. (Amended) The method of claim 1, wherein **[the step of]** using the web application to
2 control the legacy call server includes:

3 sending a service control command to the legacy call server.

1 6. (Amended) The method of claim 1, wherein **[the step of]** enabling a legacy telephony
2 device to communicate with the web application includes:

3 providing a communication channel between the legacy telephony device and the web
4 application; and

5 translating data transferred between the legacy telephony device and the web application.

1 7. (Amended) The method of claim 6, wherein **[the step of]** translating data transferred
2 between the legacy telephony device and the web application comprises:

3 converting web application data to a legacy telephony device data format; and

4 converting legacy telephony device data to a web API data format.

1 9. (Amended) The method of claim 8, wherein **[the step of]** using a telephony device
2 abstraction includes:
3 using an abstraction for a class of telephony devices.

1 15. (Amended) An apparatus for web-based control of a legacy telephone system, comprising:
2 means for enabling a legacy call server coupled to the telephone system to communicate with
3 a web application;
4 means for using the web application to control the legacy call server;
5 means for enabling a legacy telephony device to communicate with the web application; and
6 means for using the web application to control the legacy telephony device.

1 20. (Amended) The apparatus of claim 15, wherein the means for enabling a legacy telephony
2 device to communicate with the web application includes:
3 means for providing a communication channel between the legacy telephony device and the
4 web application; and
5 means for translating data transferred between the legacy telephony device and the web
6 application.

1 21. (Amended) The apparatus of claim 20, wherein the means for translating data transferred
2 between the legacy telephony device and the web application comprises:

3 means for converting web application data to a legacy telephony device data format; and

4 means for converting legacy telephony device data to a web API data format.

1 29. (Amended) A computer program product comprising:

2 a computer usable medium having computer readable code embodied therein for web-based
3 control of a legacy telephone system, including:

4 computer readable code for causing a computer to enable a legacy call server coupled to the
5 telephone system to communicate with a web application;

6 computer readable code for causing a computer to use the web application to control the
7 legacy call server;

8 computer readable code for causing a computer to enable a legacy telephony device to
9 communicate with the web application; and

10 computer readable code for causing a computer to use the web application to control the
11 legacy telephony device.

1 34. (Amended) The computer program product of claim 29, wherein the computer readable
2 code for enabling a legacy telephony device to communicate with the web application includes:
3 computer readable code for providing a communication channel between the legacy
4 telephony device and the web application; and
5 translating data transferred between the legacy telephony device and the web application.

1 35. (Amended) The computer program product of claim 34, wherein the computer readable
2 code for translating data transferred between the legacy telephony device and the web application
3 comprises:
4 computer readable code for converting web application data to a legacy telephony device data
5 format; and
6 computer readable code for converting legacy telephony device data to a web
7 API data format.

1 43. (Amended) An apparatus for web-based control of a legacy telephone system, comprising:
2 a digital computer containing a communications circuit for enabling a legacy call server
3 coupled to the telephone system to communicate with a web application;
4 a circuit for using the web application to control the legacy call server;
5 a circuit for enabling a legacy telephony device to communicate with the web application;
6 and
7 a circuit for using the web application to control the legacy telephony device.

1 48. (Amended) The apparatus of claim 43, wherein the circuit for enabling a legacy telephony
2 device to communicate with the web application includes:
3 a circuit for providing a communication channel between the legacy telephony device and
4 the web application; and
5 a circuit for translating data transferred between the legacy telephony device and the web
6 application.

1 49. (Amended) The apparatus of claim 48, wherein the circuit for translating data transferred
2 between the legacy telephony device and the web application comprises:
3 a circuit for converting web application data to a legacy telephony device data format; and
4 a circuit for converting legacy telephony device data to a web API data format.

1 57. (Amended) A system for enabling a web application to control a legacy telephone system
2 comprising:
3 a web application for independently controlling a legacy call server coupled to the telephone
4 system and a legacy telephony device;
5 a call server wrapper for enabling the web application to communicate with the legacy call
6 server; and
7 a telephony device wrapper for enabling the web application to communicate with the legacy
8 telephony device.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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